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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/801,724	03/16/2004	Lawrence Labedz	40176-10013	1852
7590	12/16/2005		EXAMINER HOGE, GARY CHAPMAN	
Ryndak & Suri Suite 2630 30 North LaSalle Street Chicago, IL 60602			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/801,724	Applicant(s) LABEDZ, LAWRENCE	
	Examiner Gary C. Hoge	Art Unit 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>7/12/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 1, there is no antecedent basis for "the channels."

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 2, 4-15, 18-25 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mabrey et al. (3,707,792) in view of Sharon et al. (5,636,463).

See Fig. 10. Mabrey discloses a display module for an illuminated display device, the display module comprising: a self-supporting, at least substantially translucent panel **108**; a pair of columns **106**, **107** that support a plurality of display members **100**, which are made of thin film. However, the display members are not supported in divider members, and are thus subject to being damaged. Sharon teaches that it was known in the art to provide a plurality of retention members **58**, secured to a panel **32** in fixed relation and arrayed in first and second opposed vertical columns that are horizontally spaced apart; a plurality of opposed, horizontally disposed

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divider members **42**, each of the divider members being individually removably held in place by opposed retention members **58**; a retaining structure **44a** on each of the divider members **42** for retaining portions of display members **24** in a predetermined position; a plurality of display members **24** positioned between opposed sets of the retaining structures **44a** of the opposed divider members **42**, the display members having translucent portions **26**. It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the columns and thin film display members disclosed by Mabrey with the retention members, divider members and display members disclosed by Sharon, in order to provide a more rugged construction.

Regarding claims 2, 15 and 25, the retention members **58** disclosed by Sharon are carried by elongated member **36b**.

5. Claims 17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mabrey et al. (3,707,792) in view of Sharon et al. (5,636,463), as applied to claims 10 and 20, respectively, above, and further in view of Stoddard (6,178,678).

Mabrey discloses the invention substantially as claimed, as set forth above. However, it is not known what type of plastic Mabrey contemplates for the translucent panel **108**. Because it is within the level of ordinary skill of a worker in the art to select from among known materials on the basis of their suitability for the fabrication of a given device, and because Stoddard teaches that polycarbonate would be suitable for the fabrication of a plastic display panel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the display panel disclosed by Mabrey from polycarbonate, as taught by Stoddard, as a

matter of choice in design, based on such factors as cost and availability of the materials to the designer.

6. Claims 1-16, 18-26 and 28-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharon et al. (5,636,463) in view of Ostrand (3,419,978).

See especially Fig. 4. Sharon discloses a display module for an illuminated display device, the display module comprising: a plurality of retention members **36**, secured to a panel **32** in fixed relation and arrayed in first and second opposed vertical columns that are horizontally spaced apart; a plurality of opposed, horizontally disposed divider members **42**, each of the divider members being individually removably held in place by opposed retention members **36**; a retaining structure **44a** on each of the divider members **42** for retaining portions of display members **24** in a predetermined position; a plurality of display members **24** positioned between opposed sets of the retaining structures **44a** of the opposed divider members **42**, the display members having translucent portions **26**; the divider members and the display members can be removed and replaced in the opposed retention members without disassembly of any of the retention members from the panel. However, Sharon does not disclose a self-supporting, at least substantially translucent panel between the light source and the display members. Ostrand teaches that it was known to provide a transparent or translucent panel **56** between a light source and a display member (col. 3, lines 6-9). It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the display module disclosed by Sharon with a transparent or translucent panel, as taught by Ostrand, in order to reinforce the structural rigidity of the frame.

Regarding claims 2, 15 and 25, the retention members **58** disclosed by Sharon are carried by elongated member **36b**.

7. Claims 17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sharon et al. (5,636,463) in view of Ostrand (3,419,978), as applied to claims 10 and 20, respectively, above, and further in view of Stoddard (6,178,678).

Sharon discloses the invention substantially as claimed, as set forth above. However, it is not known what type of plastic Sharon contemplates for the translucent panel **108**. Because it is within the level of ordinary skill of a worker in the art to select from among known materials on the basis of their suitability for the fabrication of a given device, and because Stoddard teaches that polycarbonate would be suitable for the fabrication of a plastic display panel, it would have been obvious to one having ordinary skill in the art at the time the invention was made to fabricate the display panel disclosed by Sharon from polycarbonate, as taught by Stoddard, as a matter of choice in design, based on such factors as cost and availability of the materials to the designer.

Conclusion

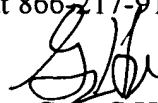
8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary C. Hoge whose telephone number is (571) 272-6645. The examiner can normally be reached on 5-4-9.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Gary C Hoge
Primary Examiner
Art Unit 3611

gch